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ALLSTATE LIFE INSURANCE COMPANY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SUSAN L. HOLLAND-HEWITT, Individually,
and as agent and attorney-in-fact to James L.
Holland, and on Behalf of the Class

Plaintiff,

v.

ALLSTATE LIFE INSURANCE COMPANY,
an Illinois Corporation.

Defendant.

Case No. 1:20-cv-00652-KES-SAB

Hon. Stanley A. Boone
Courtroom 9

**DEFENDANT ALLSTATE LIFE
INSURANCE COMPANY'S NOTICE OF
SUPPLEMENTAL AUTHORITY IN
SUPPORT OF ITS OPPOSITION TO
PLAINTIFF'S OBJECTIONS TO
FINDINGS AND RECOMMENDATIONS**

Hearing Dates: April 22, 2023 and
November 8, 2023
Complaint Filed: May 8, 2020

Defendant Allstate Life Insurance Company (“ALIC”)¹ respectfully submits this Notice of Supplemental Authority to advise the Court of two recent decisions that address issues raised in ALIC’s Opposition to Plaintiff’s Objections to Magistrate Judge’s Findings and Recommendations Denying Plaintiff’s Motion for Class Certification, ECF No. 123.

First, on December 12, 2024, ALIC submitted a Notice of Supplemental Authority regarding the Ninth Circuit’s decision in *Small v. Allianz Life Insurance Company of North America*, No. 23-55821, 122 F.4th 1182 (9th Cir. Dec. 10, 2024). ECF No. 124. In *Small*, the Ninth Circuit vacated class certification, consistent with Magistrate Judge Boone’s Findings and Recommendations Denying Plaintiff’s Motion for Class Certification. Specifically, the Ninth Circuit deemed the plaintiff atypical and inadequate, and also deemed certification improper under Rules 23(b)(3) and 23(b)(2). On January 7, 2025, Plaintiff advised the Court that *Small* was not final in Plaintiff’s view because the mandate had not issued. ECF No. 125. On February 19, 2025, the Ninth Circuit denied Ms. Small’s petition for rehearing en banc. See Exhibit A, a true and correct copy of the Order Denying Petition for Rehearing En Banc. On February 27, 2025, the Ninth Circuit issued the mandate in *Small*. On June 30, 2025, the Supreme Court denied Ms. Small’s petition for certiorari. The *Small* decision is final and is dispositive of the issues presented by Plaintiff in her Objections to Magistrate Judge’s Findings and Recommendations Denying Plaintiff’s Motion for Class Certification, ECF No. 117.

Second, on August 29, 2025, the United States Court of Appeals for the Ninth Circuit vacated class certification in *Farley v. Lincoln Benefit Life Co.*, --- F.4th ---, 2025 WL 2487767 (9th Cir. Aug. 29, 2025). See Exhibit B, a true and correct copy of the decision. In *Farley*, the plaintiff asserted similar claims arising from the defendant-insurer’s alleged non-compliance with the requirements of California Insurance Code §§ 10113.71 and 10113.72 on behalf of the putative class. The Ninth Circuit vacated class certification, consistent with Magistrate Judge Boone’s Findings and Recommendations Denying Plaintiff’s Motion for Class Certification. As in *Small*, the Ninth Circuit deemed the plaintiff atypical and inadequate, and also deemed certification

¹ On November 1, 2021, Allstate Life Insurance Company was acquired by Everlake US Holdings Company. Allstate Life Insurance Company is now known as Everlake Life Insurance Company.

improper under Rule 23(b)(2).

ALIC respectfully submits the *Small* Order Denying Petition for Rehearing En Banc and the *Farley* decision for the Court's consideration in connection with its consideration of Plaintiff's Objections to Magistrate Judge's Findings and Recommendations Denying Plaintiff's Motion for Class Certification.

DATED: September 9, 2025

FAEGRE DRINKER BIDDLE & REATH LLP

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